IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 70549-M of 2006

DATE OF DECISION : 07.12.2006

Kallu

.... PETITIONER

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. S.S. Garg, Advocate,
for the petitioner.

Mr. Partap Singh, Senior D.A.G., Haryana.

* * *

Petitioner Kallu has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 233 dated 16.5.1998 under Sections 148, 149, 307, 353, 332 IPC and Section 25 of the Arms Act, registered at Police Station Sadar Ballabgarh.

I have heard counsel for the parties and gone through the contents of the FIR as well as the order dated 2.11.2006, passed by Sessions Judge, Faridabad, whereby bail application of the petitioner has been dismissed.

In this case, the petitioner along with 16 other accused is facing trial since 1998. Throughout, he remained on bail and was regularly appearing in the trial court. However, on 26.9.2006, when the case, after transfer was listed before Sessions Judge, the petitioner was though present on the first call, but could not appear on the second call, due to which his bail order was cancelled and he was summoned through warrants of arrest. Subsequently, on 31.10.2006, the petitioner surrendered before the trial court and since then, he is in custody.

Counsel for the petitioner contends that non-appearance of the petitioner on 26.9.2006 was not intentional and for the last about eight years, he was regularly appearing in the trial court.

In view of the above, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and he is, accordingly, ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court.

December 07, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**